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OST-95-950-15

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

DEPARTMENT OF TRANSPORTATION
1991 FEB 22 AM 9:42
DOCKET SECTION

In re:

ADVANCE NOTICE OF
PROPOSED RULEMAKING (ANPRM)
AVIATION SECURITY
PASSENGER MANIFEST
INFORMATION (Notice **91-2**)

Docket No. 47383

COMMENTS OF NATIONAL AIR CARRIER ASSOCIATION, INC.

Communications concerning this document should be sent to:

Edward J. Driscoll
President and Chief Executive
NATIONAL AIR CARRIER ASSOCIATION
Suite 806
1730 M St., N.W.
Washington, D.C. **20036**

(202) **833-8200**

February 20, 1991

4 pgs.

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AVIATION SECURITY)	
PASSENGER MANIFEST)	
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)	

This is in regard to the Advance Notice of Proposed Rulemaking regarding new requirements for passenger manifest information. We appreciate the opportunity to submit comments on behalf of our member airlines.

While the Association supports the concept behind this proposed regulation we suggest two modifications which specifically **relate to** the first of the two "Possible Approaches" (Paragraph **1** on page six).

As noted on Page 5, travel agents are responsible for approximately "70-80%" of airline bookings made in the United States. In light of this statistic it would therefore be very difficult for a carrier to have control over the collection and dissemination of the information that is being proposed. This is due to current Computer Reservation Systems (CRS) limitations. If the travel agent was not legally bound to provide said information this obstacle would prove to be an economic burden on the **carrier**

who in turn would be forced to act as a travel agent's "watch dog" and would have to devote extensive investments in time and manpower in order to fulfill its obligation to provide the mandatory information.

If, as suggested by the DOT, the information is added at time of check-in the burden would rest heavily not only on the carrier but on the consumer as well who would suffer long delays due to check-in processing and security checks, etc.

However it is our opinion that modifications in the CRS software formats could provide an answer to this dilemma. We will therefore address our comments specifically to the section on Data Collection and Protection found on page eight, question number six.

We propose the two following modifications regarding CRS programming:

- (1) in order to allow for the inclusion of passenger contact, passport number, etc. to be a permanent and accessible part of the passenger name record (PNR), it would be in the best interest of all concerned if this information was a MANDATORY element required to end the transaction (EOT) of the PNR to be accomplished by either airline reservation agents or travel agents.
- (2) for easier access of the passenger contact information in case of emergency situations the passenger name list manifest (PNL) should automatically access this information from the PNR.

This programming would facilitate efficient inclusion and retrieval of passenger contact information. The burden of the

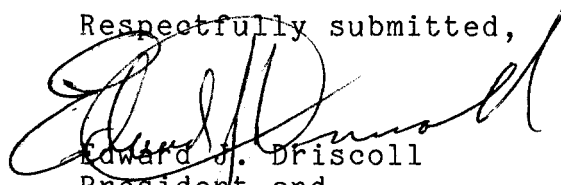
collection of this information would then be equally shared and consistent between travel agent and airline.

In regard to other questions raised in this Data Collection and Protection Section of the ANPRM, we would respond as follows:

1. U.S. carriers should not be made legally responsible for the collection of or control of passenger manifest information as there would be no reasonable means to verify the information provided by the passenger. Rather, the information should be obtained on a "best efforts" basis.
2. In the case of charter flights, the data collection responsibility should be attributed to the tour operator. The vast majority of passenger charter transportation is marketed by tour operators which also bear the responsibility of tax and landing fee collections where required. As the tour operator charters the aircraft from the airline it would be most appropriate for the tour operator to collect the data as it is the tour operator which has direct contact with the passenger.
3. Information should be collected for all passengers whether U.S. or foreign subject to the "best efforts" provision noted above. The "best efforts" basis would be applicable to situations wherein foreign laws forbid the collection of personal information;
- 4.-7. No comments; the Association reserves on these matters.
8. (See above).
9. No comment.
- 10.-11. Foreign airlines should be subject to the same requirements as U.S. airlines. Failure to do so would result in a competitive disadvantage to U.S. carriers as the requirement to provide this type of information is onerous to the passenger and could imply a risk is present when flying on U.S. carriers vis-a-vis foreign airlines.

- 12. - 13.** This reporting requirement should not be applicable to domestic flights or to flights between the U.S. and countries which do not require passports as verification becomes more difficult without passports. If it is required, then implementation on a "best efforts" basis is even more essential.

Respectfully submitted,



Edward J. Driscoll
President and
Chief Executive

NATIONAL AIR CARRIER ASSOCIATION